

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

IN RE:	§	
	§	
6 TO 9 DENTAL TEXAS, PLLC,	§	LEAD CASE NO. 23-51139-CAG
	§	
6 TO 9 DENTAL, PLLC	§	SECOND CASE NO. 23-51140-CAG
	§	
Jointly Administered Debtors.	§	Chapter 11 (Subchapter V)
	§	(Jointly Administered Under
	§	23-51139-CAG

**DEBTORS' MOTION TO SET DEADLINES PURSUANT TO INTERIM RULE 3017.2**

6 to 9 Dental Texas, PLLC and 6 to 9 Dental (the “**Debtors**”) hereby file this motion (the “**Motion**”) seeking an order from the Court setting deadlines related to the confirmation of the Debtor’s Amended Plan.

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334(b). This Court can hear and determine this matter in accordance with 28 U.S.C. § 157 and the standing order of reference of bankruptcy cases and proceedings in this District. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b). The Debtors consent to the entry of a final order by the Court in connection with the Motion.

2. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The statutory and legal predicates for the relief requested herein are sections 1181 and 1191 of title 11 of the United States Code (the “**Bankruptcy Code**”) and Rule 2002 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”) and Rule 3017.2 of the Local Rules of the United States Bankruptcy Court for the Western District of Texas (the “**Local Rules**”).

### **BACKGROUND**

4. On August 29, 2023 (the “**Petition Date**”), the Debtors each filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code (the “**Bankruptcy Cases**”). The Debtors’ Bankruptcy Cases are proceeding under Sub-Chapter V of Chapter 11.

5. The Debtors are operating their business and managing their property as debtors-in-possession pursuant to Bankruptcy Code sections 1107(a) and 1108. No request for the appointment of a trustee or examiner has been made in these Bankruptcy Cases and no committee has been appointed or designated.

6. On November 15, 2023, the Debtors timely filed their *Consolidated Joint Plan of Reorganization Pursuant to Bankruptcy Code Section 1190* [Doc. No. 111] (the “**Plan**”). The Debtors at that time did not seek to set deadlines related to the Plan in order to allow the Debtors additional time to negotiate with creditors with respect to the Plan.

7. On December 13, 2023, the Debtors filed their *First Amended Consolidated Joint Plan of Reorganization Pursuant to Bankruptcy Code Section 1190* [Doc. No. 114] (the “**Amended Plan**”). The Amended Plan sets forth amendments that the Debtors believe will provide the best opportunity for the Amended Plan to be confirmed on a consensual basis.

### **RELIEF REQUESTED AND BASES THEREFOR**

8. On February 4, 2020, the honorable bankruptcy judges of this district entered the *Standing Order Adopting Interim Bankruptcy Rules Related to the Small Business Reorganization Act of 2019* (the “**Standing Order**”). The Standing Order set forth Interim Local Rule 3017.2 which provides:

In a case under subchapter V of chapter 11 in which § 1125 does not apply the court shall:

- (a) fix a time within which the holders of claims and interests may accept or reject the plan;
- (b) fix a date on which any equity security holder or creditor whose claim is based on a security must be the holder of record of the security in order to be eligible to accept or reject the plan;
- (c) fix a date for the hearing on confirmation; and
- (d) fix a date for the transmission of the plan, notice of the time within which the holders of claims and interest may accept or reject the plan, and notice of the date for the hearing on confirmation.

9. Bankruptcy Code section 1181(b) provides that Bankruptcy Code section 1125 does not apply in Subchapter V cases. Therefore, Interim Local Rule 3017.2 applies in these Bankruptcy Cases.

10. In order to move this matter toward plan confirmation, the Debtors hereby request that the Court enter an order, substantially in the form attached hereto (the “**Proposed Order**”) establishing the dates, deadlines, and procedures contemplated by Interim Local Rule 3017.2 and further set a hearing on confirmation of the Amended Plan on a date that is at least 28 days following entry of the Proposed Order. *See* Bankruptcy Rule 2002(b).

11. Upon entry of the Proposed Order, the Debtors will promptly mail plan ballots and notice of the confirmation hearing to all parties-in-interest to these Bankruptcy Cases.

WHEREFORE, the Debtors request that Court (i) grant the relief sought herein; (ii) enter an order substantially in the form of the Proposed Order, and (iii) grant the Debtors such other and further relief as the Debtors may show themselves justly entitled.

Dated: December 13, 2023

**ROSS, SMITH & BINFORD, PC**

/s/ Jason Binford

Jason B. Binford  
State Bar No. 24045499  
2003 N. Lamar Blvd, Suite 100  
Austin, Texas 78705  
Telephone: (512) 351-4778  
Email: jason.binford@rsbfirm.com

*Counsel to the Debtors*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on December 13, 2023, he caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Western District of Texas and by first-class U.S. Mail on the parties on the attached Master Service List.

/s/ Jason Binford

Jason B. Binford

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	§	23-51139-CAG

**MASTER SERVICE LIST<sup>1</sup>  
As of December 13, 2023**

**Subchapter V Trustee:**

Eric Terry  
Eric Terry Law, PLLC  
3511 Broadway  
San Antonio, TX 78209  
Phone: (210) 468-8274  
Email: james.rose@usdoj.gov

**U.S. Trustee:**

James W. Rose, Jr.  
615 E Houston Street, Room 533  
San Antonio, TX 78205  
Telephone: (210) 472-4640  
Fax: (210) 472-4649  
E-mail: james.rose@usdoj.gov

**Debtors:**

6 to 9 Dental Texas, PLLC  
2603 SE Military Dr, #103  
San Antonio, TX 78223

6 to 9 Dental, PLLC  
2603 SE Military Dr, #103  
San Antonio, TX 78223

**Debtors' Counsel:**

Ross Smith & Binford, PC  
Attn: Jason Binford  
2003 N Lamar Blvd, Suite 100  
Austin, TX 78705  
Phone: (512) 351-4778  
Fax : (214) 377-9409  
Email: jason.binford@rsbfirm.com

Ross, Smith & Binford, PC  
Attn: Jessica L.V. Lewis  
700 N. Pearl St., Suite 1610  
Dallas, TX 75201  
Phone: 214-593-4971  
Email: jessica.lewis@rsbfirm.com

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<sup>1</sup> All parties served via U.S. mail except for those parties whose email address is included, who have consented to service via ECF.

**Secured Lenders<sup>2</sup>:**

BayFirst National Bank  
c/o Pope, Hardwicke, Christie, Schell, Kelly  
& Taplett, L.L.P.  
Attn: Matthew T. Taplett  
500 West 7th Street, Suite 600  
Fort Worth, Texas 76102  
Email: mtaplett@popehardwicke.com

CT Corporation System  
Attn: SPRS  
330 N Brand Blvd., Ste. 700  
Glendale, CA 91203

FFE Services LLC,  
Attn: Bankruptcy Department  
244 Madison Ave., #379  
New York, NY 10016

First Savings Bank  
c/o Dykema Gossett PLLC  
Attn: Danielle Rushing Behrends  
112 E. Pecan Street, Suite 1800  
San Antonio, Texas 78205  
Telephone: (210) 554-5528  
Facsimile: (210) 226-8395  
E-mail: dbehrends@dykema.com

Fox Capital Group, Inc.  
c/o Lieberman and Klestzick, LLP  
71 S. Central Ave., 2nd Floor  
Valley Stream, NY 11580

Funding Metrics LLC  
c/o Giuliano Law, P.C.  
Attn: Anthony F. Giuliano  
445 Broadhollow Road, Ste. 25  
Melville, NY 11747  
phone - (516) 792-9800  
Email: afg@glpcny.com

Corporation Service Company  
Attn: Bankruptcy Department  
PO Box 2576  
Springfield, IL 62708

Lendini  
Attn: Bankruptcy Department  
3220 Tillman Dr., Ste. 200  
Bensalem, PA 19020

Live Oak Banking Company  
c/o The Padgett Law Group  
Attn: Kim Linden  
546 Silicon Dr., Suite 103  
Southlake, TX 76092  
(850) 422-2520 (telephone)  
(850) 422-2567 (facsimile)  
kim.linden@padgettlawgroup.com

NewCo. Capital Group  
Attn: Bankruptcy Department  
90 Broad Street, Ste. 903  
New York, NY 10004

Regal Capital Inc.  
Attn: Bankruptcy Department  
161 Kings Highway  
Brooklyn, NY 11204

U.S. Small Business Administration  
c/o Steven B. Bass  
Assistant United States Attorney  
903 San Jacinto Blvd., Suite 334  
Austin, Texas 78701  
(512) 916-5858 / 916-5854 (fax)  
Steven.Bass@usdoj.gov

Zions Bankcorporation, N.A.  
dba Amegy Bank Practice Pathways  
P.O. Box 27459  
1717 West Loop South, Floor 1  
Houston, TX 77227-7459

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<sup>2</sup> Categories on this list are solely for notice-related administrative purposes and are not an admission as to whether any listed party has a valid, perfected, or enforceable security interest with respect to any of the Debtors' assets.

**Other Creditors and Noticed Parties:**

Wells Fargo  
Attn: Bankruptcy Department  
420 Montgomery St.  
San Francisco, CA 94104

NB Utilities  
Attn: Bankruptcy Department  
263 Main Plaza  
New Braunfels, TX 78130

Buckingham, Doolittle & Burroughs, LLC  
Dept. 781184  
P.O. Box 78000  
Detroit, MI 48278-1184

Elevate Healthcare Consultants  
Attn: Bankruptcy Department  
3811 Turtle Creek Blvd., Suite 850  
Dallas, TX 75219

Darby Dental Supplies  
Attn: Bankruptcy Department  
300 Jericho Quadrangle  
Jericho, NY 11753

Mascola Esthetics The Dental Lab  
Attn: Bankruptcy Department  
1904 Grandstand Dr.  
San Antonio, TX 78238

Champion Glass LLC  
Attn: Bankruptcy Department  
8007 Roosevelt Ave.  
San Antonio, TX 78210

Bexar County  
c/o Linebarger, Goggan, Blair &  
Sampson, LLP  
Attn: Don Stecker  
112 E. Pecan Street, Suite 2200  
SAN ANTONIO, TX 78205  
Telephone: (210) 225-6763  
Facsimile: (210) 225-6410  
Email: sanantonio.bankruptcy@lgbs.com

Quill, LLC  
Attn: Bankruptcy Department  
PO Box 37600  
Philadelphia, PA 19101-0600

Lisa Uthe  
3102 Rosalind Way  
San Antonio, TX 78222

The County of Comal, Texas  
c/o McCreary, Veselka, Bragg & Allen  
Attn: Julie Anne Parsons  
P.O. Box 1269  
Round Rock, Texas 78680  
Telephone: (512) 323-3200  
Fax: (512) 323-3205  
Email: jparsons@mvbalaw.com

The Padilla Family  
2977 Creek Ridge St.  
Sequin, TX 78155

Cigna Insurance  
Attn: Bankruptcy Department  
1200 E. Houston St.  
San Antonio, TX 78202

Art and Technology Dental Studio  
Attn: Bankruptcy Department  
306 Richland Hills Dr., Ste. 500  
San Antonio, TX 78245

Met Life  
Attn: Bankruptcy Department  
200 Park Avenue  
New York, NY 10166